

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE SOUTHERN DISTRICT OF NEW YORK  
3  
4   SERENITY MARSHALL,  
5                   Plaintiff,  
6   vs.           No. 11-CV-2521  
7   STARBUCKS CORPORATION and  
8   JENNIFER GURTOV, in her  
9   individual and official capacities,  
10                  Defendants.

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12  
13                  DEPOSITION OF STARBUCKS 30(b)(6) REPRESENTATIVE  
14                                  TERRIE RUCKER

15                                  Taken on behalf of the Plaintiff

16    January 9, 2012  
17

18   BE IT REMEMBERED THAT, pursuant to the Washington Rules of  
19   Civil Procedure, the deposition of TERRIE RUCKER was taken  
20   before Jan K. Floate, a Certified Shorthand Reporter,  
21   #2996, and a Notary Public for the State of Washington, on  
22   January 9, 2012, commencing at the hour of 9:00 a.m., the  
23   proceedings being reported at Seattle, Washington.

24  
25   JoB # 45316

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## APPEARANCES:

Appearing on behalf of the Plaintiff,  
Serenity Marshall:  
(telephonic appearance)  
DAVID GOTTLIEB, ESQ.  
Thompson Wigdor  
85 Fifth Avenue  
New York, New York 10003

Appearing on behalf of the Defendant,  
Starbucks Corporation:  
ESTELA DIAZ, ESQ.  
Akin Gump Strauss Hauer & Feld  
One Bryant Park  
New York, New York 10036

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TERRIE RUCKER  
DEPOSITION OF TERRIE RUCKER  
MONDAY, JANUARY 9, 2012  
9:00 A.M.

TERRIE RUCKER, having been first duly sworn, was examined  
and testified as follows:

MR. GOTTLIEB: I'm having a somewhat hard time  
hearing everything. Is there any way to correct it, if you  
need to bring the phone closer to the witness?

MS. DIAZ: Sure. I also think the court reporter  
was speaking not as loudly when she was swearing in the  
witness, but let us know if you have any other problems. I  
think the phone is --

MR. GOTTLIEB: Why don't I start and we can see  
if there are any problems as we go.

MS. DIAZ: Sounds good.

## EXAMINATION

BY MR. GOTTLIEB:

Q. Good morning, Ms. Rucker. How are you?

A. Good, thank you.

Q. Thanks. Have you ever been deposed before?

A. No, I have not.

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## TERRIE RUCKER

Q. I'm going to be asking you a number of questions  
today; and typically a deposition is done in person, and  
there may be some complications as we do it by telephone.  
So I want to go through some kind of ground rules to make  
sure you understand them, because it will really help in  
making sure it goes smoothly and we will get it done as  
efficiently and promptly as possible. Okay?

A. Yes.

Q. First, I want to make sure you understand that my  
name is David Gottlieb and I represent Serenity Marshall in  
her case against Starbucks and Jen Gurtov, but I want to  
make sure that you understand that the questions I'm going  
to be asking you today and the testimony you'll be giving  
today are involved in this matter. Do you understand that?

A. Yes, I do.

Q. Okay. And do you understand that you've just  
taken an oath to tell the truth?

A. Yes, I do.

Q. Okay. And do you understand that you're  
testifying today on behalf of Starbucks regarding the  
company's maintenance, transportation, and storage of daily  
records books?

A. Yes, I do.

MS. DIAZ: David, can I interject here? Terrie

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1 TERRIE RUCKER  
 2 is testifying regarding the storage and transportation of  
 3 DRBs.  
 4 MR. GOTTLIEB: Storage and transportation of  
 5 DRBs. I believe maintenance was one of the topics listed  
 6 on the 30(b)(6) notice.  
 7 MS. DIAZ: Right. Maintenance with respect to  
 8 the extent that that means how they are maintained in  
 9 Seattle. I believe the e-mail last week clarified that she  
 10 was testifying regarding storage and transportation.  
 11 MR. GOTTLIEB: Okay. I don't think I have any  
 12 problems with that.  
 13 MS. DIAZ: Okay.  
 14 BY MR. GOTTLIEB:  
 15 Q. Ms. Rucker, if you do not hear any question that  
 16 I ask, please let me know and I'll repeat it so that you  
 17 can hear it. Okay?  
 18 A. Yes.  
 19 Q. If you do not understand any question that I ask,  
 20 please let me know and I'll try to rephrase in a way that  
 21 you do understand. Okay?  
 22 A. Yes.  
 23 Q. If there is any term or any word that you don't  
 24 understand, please let me know and I'll try to rephrase the  
 25 question using a term that you do understand. Okay?

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1 TERRIE RUCKER  
 2 A. Yes.  
 3 Q. This is very important, particularly over the  
 4 phone; I ask that you wait for me to finish any question  
 5 that I'm asking before you answer, for a number of reasons.  
 6 One, so the court reporter can take down the question and  
 7 answer accurately, but also importantly, so that you  
 8 understand exactly what I'm asking before you answer.  
 9 Okay?  
 10 A. Yes.  
 11 Q. Now, all your answers, of course -- typically  
 12 more importantly because it's over the phone, all your  
 13 answers must be verbal so I can understand what your  
 14 response is and the court reporter can take everything down  
 15 accurately. Okay?  
 16 A. Yes.  
 17 Q. Do you understand everything I've said so far?  
 18 A. Yes, I do.  
 19 Q. Do you have any questions about anything that I  
 20 have said so far?  
 21 A. No, I don't.  
 22 Q. If you want to take a break at any point during  
 23 the deposition, that's fine. Just let me know and we can  
 24 take a break. The only thing I ask is that there not be a  
 25 break taken while a question is pending. Okay?

1 TERRIE RUCKER  
 2 A. Yes.  
 3 Q. Now, are you currently taking any medications  
 4 that could affect your memory?  
 5 A. No, I'm not.  
 6 Q. Are you taking any medications that could affect  
 7 your ability to understand my questions today?  
 8 A. No, I'm not.  
 9 Q. Are you taking any medications that could affect  
 10 your ability to answer questions truthfully today?  
 11 A. No, I'm not.  
 12 Q. Okay. Did you do anything to prepare for this  
 13 deposition?  
 14 A. I had conversation with legal counsel.  
 15 Q. Okay. How many conversations did you have?  
 16 A. A conversation, one conversation with Estela and  
 17 one conversation with Shelly Ramos.  
 18 Q. When was the conversation with Shelly Ramos?  
 19 A. It was last week. I believe it was Thursday.  
 20 Q. Thursday last week?  
 21 A. Correct.  
 22 Q. And how long was that meeting?  
 23 A. Approximately 20 minutes.  
 24 MS. DIAZ: Objection.  
 25 MR. GOTTLIEB: I'm sorry.

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1 TERRIE RUCKER  
 2 MS. DIAZ: Sorry. I objected to the question.  
 3 MR. GOTTLIEB: As to how long the meeting was?  
 4 MS. DIAZ: I'm not sure if it was a meeting or a  
 5 phone call.  
 6 BY MR. GOTTLIEB:  
 7 Q. Did you say you had a discussion with Ms. Ramos?  
 8 A. Correct.  
 9 Q. Was that in person, over the phone, or something  
 10 else?  
 11 A. It was in person.  
 12 Q. Was that in your office, her office, or something  
 13 else?  
 14 A. Something else.  
 15 Q. Where was it?  
 16 A. A conference room.  
 17 Q. A conference room. What was the address of the  
 18 conference room?  
 19 A. 2401 Utah Avenue South, in Seattle.  
 20 Q. Is that the address where your office is located?  
 21 A. That's correct.  
 22 Q. Is that also where Shelly Ramos's office is  
 23 located?  
 24 A. That's correct.  
 25 Q. Okay. And during that meeting was anyone else

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<p>1 TERRIE RUCKER</p> <p>2 present other than you and Ms. Ramos?</p> <p>3 A. One other person.</p> <p>4 Q. Who was that?</p> <p>5 A. My co-worker.</p> <p>6 Q. Who was that?</p> <p>7 A. Melinda Goodly.</p> <p>8 Q. Is she an attorney?</p> <p>9 A. No.</p> <p>10 Q. What's her title?</p> <p>11 A. Electronic Records Specialist.</p> <p>12 Q. Okay. Did you review any documents during that</p> <p>13 meeting?</p> <p>14 A. No, we did not.</p> <p>15 Q. You said you also had a meeting or a discussion</p> <p>16 with Estela Diaz; is that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. Was that in person, over the phone, or something</p> <p>19 else?</p> <p>20 A. It was over the phone.</p> <p>21 Q. When was that discussion?</p> <p>22 A. That was Friday of last week.</p> <p>23 Q. How long was the phone call?</p> <p>24 A. About 90 minutes.</p> <p>25 Q. Was anyone else on the call other than you and</p>	<p>1 TERRIE RUCKER</p> <p>2 Q. Were you employed at Starbucks before that?</p> <p>3 A. Yes, I was.</p> <p>4 Q. What was your title before records specialist?</p> <p>5 A. Records coordinator.</p> <p>6 Q. When did you start that position?</p> <p>7 A. In 1998.</p> <p>8 Q. Did you have a position at Starbucks before that?</p> <p>9 A. No, sir.</p> <p>10 Q. Did you work with another company before 1998?</p> <p>11 A. Yes, I did.</p> <p>12 Q. What company did you work with just prior to</p> <p>13 Starbucks?</p> <p>14 A. Carney Badley Smith &amp; Spellman.</p> <p>15 Q. What type of company is that?</p> <p>16 A. It's a law firm.</p> <p>17 Q. How many senior records specialists are there at</p> <p>18 Starbucks?</p> <p>19 A. Myself, and one other in another department. I'm</p> <p>20 sorry.</p> <p>21 Q. So there are two senior records specialists?</p> <p>22 A. That's correct.</p> <p>23 Q. And there's you and somebody else in another</p> <p>24 department?</p> <p>25 A. That's correct.</p>
Page 11	Page 13
<p>1 TERRIE RUCKER</p> <p>2 Ms. Diaz?</p> <p>3 A. No.</p> <p>4 Q. Did you review any documents during that --</p> <p>5 A. No.</p> <p>6 Q. -- conversation? You did not?</p> <p>7 A. No, we did not.</p> <p>8 Q. Other than what you've already testified to, have</p> <p>9 you done anything else to prepare for this deposition?</p> <p>10 A. No, I have not.</p> <p>11 Q. Other than what you've already testified to, have</p> <p>12 you discussed your deposition with anybody, in advance of</p> <p>13 today, other than your counsel?</p> <p>14 A. My husband.</p> <p>15 Q. Anyone else?</p> <p>16 A. No.</p> <p>17 Q. What's your position at Starbucks?</p> <p>18 A. Senior Records Specialist.</p> <p>19 Q. How long have you been the senior records</p> <p>20 specialist?</p> <p>21 A. Since about 2004.</p> <p>22 Q. What was your position before that?</p> <p>23 A. Records specialist.</p> <p>24 Q. When did you become a records specialist?</p> <p>25 A. In about 1999.</p>	<p>1 TERRIE RUCKER</p> <p>2 Q. What department are you in?</p> <p>3 A. I am in information protection services.</p> <p>4 Q. What's the other department with the other senior</p> <p>5 records specialist?</p> <p>6 A. The law and corporate affairs department.</p> <p>7 Q. Can I have that repeated back to me?</p> <p>8 A. The law and corporate affairs office.</p> <p>9 Q. Okay. What are your duties and responsibilities</p> <p>10 as a senior records specialist in the information</p> <p>11 protection services department?</p> <p>12 A. Manage the retention of company records, some</p> <p>13 documented destruction of company records. I manage the</p> <p>14 relationship between our Starbucks employees and our</p> <p>15 off-site storage service provider, Iron Mountain, and then</p> <p>16 consultation throughout the enterprise on a variety of</p> <p>17 other duties that would relate to retention, destruction,</p> <p>18 off-site storage and general management of company records.</p> <p>19 Q. Okay. What's your yearly salary?</p> <p>20 A. \$65,000.</p> <p>21 Q. Now, do you know of a document called a daily</p> <p>22 records book?</p> <p>23 MS. DIAZ: Objection.</p> <p>24 A. Yes.</p> <p>25 BY MR. GOTTLIEB:</p>

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<p>1 TERRIE RUCKER</p> <p>2 Q. Do you know of that document?</p> <p>3 MS. DIAZ: You can answer.</p> <p>4 A. Yes.</p> <p>5 Q. What do you understand a daily records book to</p> <p>6 be?</p> <p>7 A. It's an operational tool for our retail stores.</p> <p>8 Q. And what kind of information does a daily records</p> <p>9 book hold?</p> <p>10 A. Some operational information and, additionally,</p> <p>11 time and attendance information.</p> <p>12 Q. When you say operational information, what do you</p> <p>13 mean by that?</p> <p>14 A. Daily store operations. I'm not too familiar</p> <p>15 with it. Store manager duties, I believe.</p> <p>16 Q. Now, daily records books, my understanding is</p> <p>17 they are commonly referred to as DRBs. Do you understand</p> <p>18 that as well?</p> <p>19 A. Yes, I do.</p> <p>20 Q. Are you okay if I use the term DRB during the</p> <p>21 course of this deposition?</p> <p>22 A. Yes, I am.</p> <p>23 Q. Do you understand DRB to be an important document</p> <p>24 at Starbucks?</p> <p>25 MS. DIAZ: Objection.</p>	<p>1 TERRIE RUCKER</p> <p>2 record after they leave the store?</p> <p>3 A. That is correct.</p> <p>4 Q. And why are they no longer considered to be a</p> <p>5 company record after they leave the store?</p> <p>6 A. Because they have a short operational value.</p> <p>7 Q. Okay. So it's your testimony that the DRBs have</p> <p>8 no value after they leave the store?</p> <p>9 A. That is correct.</p> <p>10 Q. Why do you have that belief?</p> <p>11 A. Because under normal business circumstances we</p> <p>12 would destroy them once they reached Iron Mountain.</p> <p>13 Q. Any other reason?</p> <p>14 A. No, sir.</p> <p>15 Q. You said that under normal protocol you would</p> <p>16 destroy the DRBs once they reach Iron Mountain?</p> <p>17 MS. DIAZ: Objection. Misstates testimony. You</p> <p>18 can answer.</p> <p>19 A. I said that once they -- under normal business</p> <p>20 circumstances, once they reach Iron Mountain, they would be</p> <p>21 destroyed.</p> <p>22 BY MR. GOTTLIEB:</p> <p>23 Q. What I'd like to do is walk through the process</p> <p>24 by which a DRB goes from being at a store to being in</p> <p>25 storage in Iron Mountain. Okay?</p>
Page 15	Page 17
<p>1 TERRIE RUCKER</p> <p>2 BY MR. GOTTLIEB:</p> <p>3 Q. You can answer.</p> <p>4 A. While they're in the store.</p> <p>5 Q. Do you understand them to be important while</p> <p>6 they're in the store?</p> <p>7 A. Correct. That's my understanding.</p> <p>8 Q. I'm sorry?</p> <p>9 A. That is my understanding.</p> <p>10 Q. Why is that your understanding?</p> <p>11 A. It's a tool for the store managers to use during</p> <p>12 the period of time that they are relevant.</p> <p>13 Q. Okay. Anything else?</p> <p>14 A. No, sir.</p> <p>15 Q. Do you understand them to be important documents</p> <p>16 when they're not in the store?</p> <p>17 A. No, I do not.</p> <p>18 Q. Why do you think they are not important when they</p> <p>19 are no longer in the store?</p> <p>20 A. Because they have surpassed their operational</p> <p>21 value and they're not considered to be a company record</p> <p>22 after that period of time.</p> <p>23 Q. When you say they're not considered to be a</p> <p>24 company record after that period of time, are you</p> <p>25 testifying that they are not considered to be a company</p>	<p>1 TERRIE RUCKER</p> <p>2 A. Yes.</p> <p>3 Q. Can you explain to me -- well, when a DRB is at a</p> <p>4 store do you have any understanding of where the DRB should</p> <p>5 be kept?</p> <p>6 MS. DIAZ: Objection. Outside the scope of Ms.</p> <p>7 Rucker's testimony.</p> <p>8 A. Sir, that is outside my scope of understanding.</p> <p>9 BY MR. GOTTLIEB:</p> <p>10 Q. You do not have any understanding where DRBs are</p> <p>11 maintained in the store?</p> <p>12 A. That is correct.</p> <p>13 Q. What's the first step in the process where a DRB</p> <p>14 gets put in storage that you would become familiar with?</p> <p>15 A. The communication that goes to the stores</p> <p>16 directing them of what to do at that point in time.</p> <p>17 Q. Okay. So what would be the first step? What</p> <p>18 would be the first communication?</p> <p>19 A. There's one communication that directs the store</p> <p>20 managers how to proceed during the confidential document</p> <p>21 return.</p> <p>22 Q. Okay. So there's a confidential document return</p> <p>23 that the store managers are required to engage in; is that</p> <p>24 correct?</p> <p>25 A. That's correct.</p>

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TERRIE RUCKER

Q. Okay. And that goes for all Starbucks stores?

A. Company-owned stores in U.S. and Canada.

Q. Okay. And how often does a confidential -- I'm sorry. What was the term you used to describe it?

A. Confidential document return.

Q. How often does the confidential document return take place?

A. Twice each year.

Q. Are those on specific dates?

A. Not specific dates. Months. So October and April.

Q. Can you explain to me what the first step is in the confidential document return process?

A. Yes. The store managers receive a communication instructing them to place the -- excuse me -- the DRBs into a box. They are instructed which dates of DRBs to send, put a shipping label on the box and hold them at the store until their Fed Ex driver comes, and then the Fed Ex driver picks them up and they are then delivered to Iron Mountain.

Q. Is not the Iron Mountain's facility in Seattle?

A. I'm sorry. Please repeat that.

Q. Is this an Iron Mountain facility in Seattle that the documents are returned to?

A. The city is Kent, which is a small suburb of

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TERRIE RUCKER

Seattle.

Q. Okay. Is this communication that goes out to store managers with regard to the confidential document return, is that a communication by e-mail, by regular mail, or something else?

A. It's outside of my scope. I'm not sure what the transmission is.

Q. Okay. Do you know who makes that communication to the store managers?

A. I believe it's retail operations.

Q. What does that mean, retail operations?

A. A department.

Q. That's a department?

A. Correct.

Q. So would that mean the district manager of the -- the manager of the store or something else?

A. I'm sorry. I don't understand your question.

Q. Would that mean as retail operations, would that be the district manager who was in charge of a particular store would be required to make that communication to the store managers or was it somebody else completely?

A. It's someone else completely.

Q. Okay. Do you know if -- can you describe in detail the manner in which the DRBs are supposed to be

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TERRIE RUCKER

packaged before they are sent to Iron Mountain?

A. The instructions are for the store managers to place them in a box.

Q. Anything further?

A. Secure the box with tape and place a label on the box.

Q. What's the label that's supposed to be placed on the box?

A. It would be the shipping label.

Q. The shipping label?

A. Correct.

Q. What about any identifying -- an identification code or number that would identify the contents of the box?

A. Are you asking me if there is anything on the outside of the box, other identifying information?

Q. Yeah. What I'm asking, is there any mark on the outside of the box that would help somebody know what the contents of the box is, should they need to know that?

A. All of that information would be on the shipping label.

Q. What information is maintained on the shipping label?

A. The store number, the Iron Mountain address, and I believe a billing code.

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TERRIE RUCKER

Q. Anything else?

A. Not to my knowledge.

Q. So the only way to understand the contents of a specific box would be to look at the shipping label, and that would identify the store that the contents came from. Is that correct?

MS. DIAZ: Objection. You can answer.

A. I'll step back a moment. It says or should say confidential document return on the shipping label.

BY MR. GOTTLIEB:

Q. Okay. And it would also identify the store that the documents inside the box came from, right?

A. Correct.

Q. Would there be a date range on the label?

A. Not to my knowledge.

Q. Okay. Are there any computerized records that identify which documents are being packaged for document return?

A. Not to my knowledge.

Q. Do you have any understanding of --

MS. DIAZ: David, before you answer the question can we take a very quick break?

MR. GOTTLIEB: Sure. Do you want to just --

MS. DIAZ: I'll just step out for a second.



<p style="text-align: right;">Page 22</p> <p>1 TERRIE RUCKER</p> <p>2 MR. GOTTLIEB: Sure. Why don't you just call</p> <p>3 back the main line when you're ready.</p> <p>4 MS. DIAZ: It will literally be a, I think,</p> <p>5 one-minute break.</p> <p>6 MR. GOTTLIEB: Okay.</p> <p>7 (Brief recess.)</p> <p>8 MS. DIAZ: David?</p> <p>9 MR. GOTTLIEB: Yes.</p> <p>10 MS. DIAZ: We're back. The witness actually just</p> <p>11 forgot something in one of her previous answers and would</p> <p>12 like to clarify what the store manager is instructed to do</p> <p>13 during the confidential return process.</p> <p>14 MR. GOTTLIEB: Okay. Are we still on the record</p> <p>15 or did we go off?</p> <p>16 MS. DIAZ: We're back on the record.</p> <p>17 MR. GOTTLIEB: Since we were off briefly?</p> <p>18 MS. DIAZ: Yes.</p> <p>19 MR. GOTTLIEB: Okay. So we're back on the</p> <p>20 record. I just want to confirm with the court reporter</p> <p>21 that we're back on.</p> <p>22 THE COURT REPORTER: We are back on the record.</p> <p>23 MR. GOTTLIEB: Okay.</p> <p>24 BY MR. GOTTLIEB:</p> <p>25 Q. We're back on the record.</p>	<p style="text-align: right;">Page 24</p> <p>1 TERRIE RUCKER</p> <p>2 MS. DIAZ: Objection. You can answer.</p> <p>3 A. No, that is not correct.</p> <p>4 BY MR. GOTTLIEB:</p> <p>5 Q. So which documents maintain value within</p> <p>6 Starbucks after they leave the store of the documents you</p> <p>7 just mentioned?</p> <p>8 A. The labor schedules.</p> <p>9 Q. Why is that?</p> <p>10 A. They are considered payroll backup materials.</p> <p>11 Q. What's the -- I'm sorry. What's the name of the</p> <p>12 document?</p> <p>13 A. They are referred to as labor schedules.</p> <p>14 Q. Okay. What is a labor schedule?</p> <p>15 A. It's a schedule for labor hours, tracking labor</p> <p>16 in the stores.</p> <p>17 Q. Okay. So it's a document to check the hours that</p> <p>18 employees work in the store?</p> <p>19 A. Yes.</p> <p>20 Q. Those documents maintain their value after they</p> <p>21 leave the store?</p> <p>22 A. Correct.</p> <p>23 Q. And why is that?</p> <p>24 A. They have an eight-year retention period per our</p> <p>25 retention schedule.</p>
<p style="text-align: right;">Page 23</p> <p>1 TERRIE RUCKER</p> <p>2 And while we were briefly off the record, Ms.</p> <p>3 Diaz indicated that the witness wanted to clarify one of</p> <p>4 the answers to a particular question. What would you like</p> <p>5 to clarify?</p> <p>6 A. In the initial one of the first steps the store</p> <p>7 managers are instructed to do with the DRB before packing</p> <p>8 up is they're instructed to write their store number on the</p> <p>9 DRB on the outside cover.</p> <p>10 Q. Okay. Anything else?</p> <p>11 A. No, sir.</p> <p>12 Q. Now, the confidential --</p> <p>13 MR. GOTTLIEB: Actually, can the court reporter</p> <p>14 read back to me my last question before we took the very</p> <p>15 short break?</p> <p>16 THE COURT REPORTER: Yes.</p> <p>17 (Record was read as requested.)</p> <p>18 BY MR. GOTTLIEB:</p> <p>19 Q. Other than DRBs, what other documents are</p> <p>20 packaged as part of this confidential document return?</p> <p>21 A. A book referred to as the duty roster notebook,</p> <p>22 labor schedules, and obsolete manuals.</p> <p>23 Q. Okay. Now, is it fair to say that all of those</p> <p>24 documents no longer maintain any value to Starbucks after</p> <p>25 they leave the store, or is it just DRBs?</p>	<p style="text-align: right;">Page 25</p> <p>1 TERRIE RUCKER</p> <p>2 Q. Okay.</p> <p>3 A. I would also add, there are payroll records</p> <p>4 removed from the DRBs that retain that same value.</p> <p>5 Q. Are there any documents that are generated that</p> <p>6 reflect DRBs being shipped from stores to the Iron Mountain</p> <p>7 facility?</p> <p>8 A. Can you clarify if you're asking about the actual</p> <p>9 shipping?</p> <p>10 Q. As opposed to -- I'm just trying to -- I mean the</p> <p>11 shipping as opposed to what other aspect?</p> <p>12 A. Once they're received at Iron Mountain.</p> <p>13 Q. I see. Okay. Let's start with shipping. Are</p> <p>14 there any documents that you're aware of that are generated</p> <p>15 which reflects DRBs being shipped out of a store and to</p> <p>16 Iron Mountain?</p> <p>17 A. Not to my knowledge.</p> <p>18 Q. There are Fed Ex receipts, right?</p> <p>19 A. That's outside of my scope of responsibility.</p> <p>20 MR. GOTTLIEB: I just want to state for the</p> <p>21 record that I believe that that's a question that should be</p> <p>22 within the scope of the witness's knowledge under the</p> <p>23 notice.</p> <p>24 MS. DIAZ: David, you also asked a very specific</p> <p>25 question. Perhaps you might want to clarify your question.</p>

<p style="text-align: right;">Page 26</p> <p>1 TERRIE RUCKER</p> <p>2 BY MR. GOTTLIEB:</p> <p>3 Q. Do you know whether any records are being</p> <p>4 maintained by Starbucks which reflect the documents that</p> <p>5 are shipped from stores to Iron Mountain as part of the</p> <p>6 confidential document return?</p> <p>7 A. I have no specific knowledge of any of those</p> <p>8 records.</p> <p>9 Q. Are you aware of any documents that reflect the</p> <p>10 boxes that are sent from Starbucks stores to Iron Mountain?</p> <p>11 A. I don't understand your question.</p> <p>12 Q. My previous question was whether you were aware</p> <p>13 of any documents that reflected the documents in the boxes</p> <p>14 that are shipped from stores to Iron Mountain, and you said</p> <p>15 you did not; you were not aware of any documents that</p> <p>16 reflected that. And the most recent question is not with</p> <p>17 regard to the documents but whether there's any records</p> <p>18 that would reflect the actual boxes being shipped.</p> <p>19 MS. DIAZ: David, can I interject here? Are you</p> <p>20 still talking about documents that reflect the shipping of</p> <p>21 the boxes?</p> <p>22 MR. GOTTLIEB: Yes, that's correct.</p> <p>23 A. I have no specific knowledge of any documents.</p> <p>24 BY MR. GOTTLIEB:</p> <p>25 Q. Do you believe Starbucks retains its shipping</p>	<p style="text-align: right;">Page 28</p> <p>1 TERRIE RUCKER</p> <p>2 more?</p> <p>3 MS. DIAZ: Objection.</p> <p>4 A. I can't answer that.</p> <p>5 BY MR. GOTTLIEB:</p> <p>6 Q. You said the confidential document return takes</p> <p>7 place in October and in April. Correct?</p> <p>8 A. Correct.</p> <p>9 Q. And in each one of those returns the box will</p> <p>10 contain DRBs; is that correct?</p> <p>11 MS. DIAZ: Objection. You can answer.</p> <p>12 A. Not necessarily.</p> <p>13 BY MR. GOTTLIEB:</p> <p>14 Q. Why would there not necessarily be any DRBs in a</p> <p>15 confidential document return?</p> <p>16 A. Occasionally a store may not send them.</p> <p>17 Q. And why would that be?</p> <p>18 MS. DIAZ: Objection.</p> <p>19 A. I don't have any knowledge of why they wouldn't</p> <p>20 send them.</p> <p>21 BY MR. GOTTLIEB:</p> <p>22 Q. Is it fair to say that the confidential document</p> <p>23 return should contain DRBs?</p> <p>24 A. Yes.</p> <p>25 Q. And why is that?</p>
<p style="text-align: right;">Page 27</p> <p>1 TERRIE RUCKER</p> <p>2 receipts?</p> <p>3 MS. DIAZ: Objection.</p> <p>4 A. I believe they do, but I have no knowledge of</p> <p>5 those documents myself.</p> <p>6 BY MR. GOTTLIEB:</p> <p>7 Q. Do you believe those receipts would be maintained</p> <p>8 by the store from which the confidential document return is</p> <p>9 shipped or somewhere else?</p> <p>10 MS. DIAZ: Objection.</p> <p>11 A. That's outside of my scope of responsibility.</p> <p>12 BY MR. GOTTLIEB:</p> <p>13 Q. In what manner are documents shipped from stores</p> <p>14 to Iron Mountain? Or does it vary?</p> <p>15 A. I'm not sure I understand your question.</p> <p>16 Q. Well, are the documents shipped -- are the</p> <p>17 confidential document return documents shipped by Fed Ex</p> <p>18 overnight, Fed Ex ground, by U.S. mail, or something else?</p> <p>19 A. Fed Ex, I'm not sure if it's ground. I'm not</p> <p>20 sure whether it's ground or air.</p> <p>21 Q. Okay. Now, each confidential document return,</p> <p>22 would each confidential document return typically be one</p> <p>23 box per store or something else?</p> <p>24 A. It can vary.</p> <p>25 Q. Would you say it's typically one box or typically</p>	<p style="text-align: right;">Page 29</p> <p>1 TERRIE RUCKER</p> <p>2 A. The stores are instructed in each communication</p> <p>3 to send their DRBs.</p> <p>4 Q. Is it fair to say that there is a Starbucks</p> <p>5 policy to send DRBs as part of a confidential document</p> <p>6 return?</p> <p>7 MS. DIAZ: Objection.</p> <p>8 A. I'm not aware of one.</p> <p>9 BY MR. GOTTLIEB:</p> <p>10 Q. I'm not asking if there's a written policy. I'm</p> <p>11 asking if there is a policy, whether written or otherwise,</p> <p>12 to send DRBs as part of a confidential document return.</p> <p>13 A. I would refer to it as a process.</p> <p>14 Q. Okay. So there's a Starbucks process that</p> <p>15 requires sending DRBs as part of a confidential document</p> <p>16 return?</p> <p>17 A. Correct.</p> <p>18 Q. So, now, let's take the October confidential</p> <p>19 document return for a moment. What month of DRBs would be</p> <p>20 included in the October return?</p> <p>21 A. The instructions were to send October 2010</p> <p>22 through March 2011.</p> <p>23 Q. So for an October 2011 confidential document</p> <p>24 return, it would include -- I'm sorry. Can you repeat the</p> <p>25 date range?</p>



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1 TERRIE RUCKER  
2 A. October 2010 to March 2011.  
3 Q. Okay. So then the DRBs from April 2011 through  
4 October 2011 would remain in the store?  
5 A. That's correct.  
6 Q. Okay. Then would it be fair to say that, then,  
7 during the April 2012 confidential document return those  
8 documents would be part of the shipment?  
9 A. Correct.  
10 Q. And why is that?  
11 A. The stores are to maintain six months worth of  
12 DRBs in their stores, including or in addition to the one  
13 they are currently working in.  
14 Q. And do you have any understanding of why that is?  
15 A. It's more tribal knowledge that it's a  
16 reconciliation period for the deposit slips and receipts  
17 that are stored in the DRB.  
18 Q. Now, I'd like to move back to the transportation  
19 of the DRBs to Iron Mountain. Now, are there any documents  
20 that reflect the receipts by Iron Mountain of the  
21 confidential document return boxes?  
22 A. I want to -- may I say your question back please?  
23 Q. Of course.  
24 A. You're asking me if there is some type of  
25 tracking information of what is received at Iron Mountain?

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1 TERRIE RUCKER  
2 Is that correct?  
3 Q. Well, not necessarily tracking information, but  
4 that could be it. What I'm asking is if there's any  
5 documents. Could be a tracking document, but any document  
6 that reflects the receipt by Iron Mountain of the  
7 confidential document return.  
8 A. There's formally what we refer to as a tracking  
9 sheet.  
10 Q. Okay.  
11 A. It would indicate which DRBs the stores sent and  
12 maybe notes of other materials that were sent. That is no  
13 longer in existence, as in it's no longer created. All the  
14 information is entered into a system referred to as Iron  
15 Mountain Connect. It would be similar information.  
16 Q. And who maintains that information? The Iron  
17 Mountain or the stores or somebody else?  
18 A. Which specific information are you asking about?  
19 The tracking sheet or the system information?  
20 Q. There is no longer a tracking sheet being used;  
21 is that correct?  
22 A. It's still maintained by me, and Iron Mountain  
23 maintains their copy of it as well. So it's historical  
24 information that's used.  
25 Q. So is the tracking sheet a document that is still

1 TERRIE RUCKER  
2 being updated and maintained?  
3 A. Maintained but not updated.  
4 Q. What do you mean when you say that?  
5 A. There's nothing being added to the former  
6 tracking sheet. It's maintained for reference.  
7 Q. I see. When did you stop updating the tracking  
8 sheet?  
9 A. It's not necessarily stopped updating it. It's  
10 stopped creating new ones. And that was about -- I'm going  
11 to speculate. I don't have an absolute time. I believe it  
12 was 2010. I don't have that information before me.  
13 MR. GOTTLIEB: Okay. I'm going to call for  
14 production of the tracking sheet as it relates to the  
15 storage within Ms. Gurtov's district.  
16 MS. DIAZ: We will take it under advisement.  
17 BY MR. GOTTLIEB:  
18 Q. The tracking sheet, what information is  
19 maintained on the tracking sheet that you have?  
20 A. There's multiple tracking sheets for each period  
21 of the document return. It would include the store number,  
22 the store address, zip code, city, state, months of the --  
23 month tabs, so maybe October, November, December, January,  
24 February, a bar code number or multiple bar code numbers,  
25 and a comments field.

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1 TERRIE RUCKER  
2 The months may or may not contain a check mark  
3 that would indicate whether the store had sent that month  
4 of DRB, or a particular month of DRB.  
5 Q. How would you gather that information?  
6 A. How is the information input on the tracking  
7 sheet? Is that what you're asking me?  
8 Q. No. What I'm asking is, the information that  
9 ultimately goes on the tracking sheet, how would that  
10 information be obtained?  
11 MS. DIAZ: Objection.  
12 A. Iron Mountain provides the tracking sheet to me.  
13 BY MR. GOTTLIEB:  
14 Q. So Iron Mountain provides the tracking sheet to  
15 you. And then what do you do with the tracking sheet at  
16 that point?  
17 A. I store it and maintain it.  
18 Q. Okay. So do you have any understanding of how  
19 Iron Mountain gathers the information to put on the  
20 tracking sheet?  
21 A. Yes, I do.  
22 Q. How do they do that?  
23 A. They open the box; they pull the materials out of  
24 the box; they start indicating in hand, by hand, which of  
25 the DRBs the store sent per the requirements for each cycle

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<p>1 TERRIE RUCKER</p> <p>2 of the document return. So they fill in the information on</p> <p>3 the tracking sheet.</p> <p>4 Q. I see. Have you ever filled in information on</p> <p>5 the tracking sheet?</p> <p>6 A. Yes.</p> <p>7 Q. What information have you filled in?</p> <p>8 A. Corrected information.</p> <p>9 Q. Have you ever reviewed a tracking sheet and</p> <p>10 noticed that DRBs that should have been part of a shipment</p> <p>11 were not part of the box?</p> <p>12 A. Yes.</p> <p>13 Q. And what action do you take at that point -- or</p> <p>14 have you taken at that point?</p> <p>15 MS. DIAZ: Objection.</p> <p>16 A. None.</p> <p>17 BY MR. GOTTLIEB:</p> <p>18 Q. Have you ever notified a district manager that a</p> <p>19 store manager was not providing all the DRBs?</p> <p>20 A. No, I have not.</p> <p>21 Q. Have you ever notified a regional manager that a</p> <p>22 store manager was not providing all the DRBs?</p> <p>23 MS. DIAZ: Objection.</p> <p>24 A. No, I have not.</p> <p>25 BY MR. GOTTLIEB:</p>	<p>1 TERRIE RUCKER</p> <p>2 Q. Have you ever contacted anybody other than a</p> <p>3 representative from legal to notify the person about a</p> <p>4 store manager's failure to provide all the DRBs?</p> <p>5 A. No.</p> <p>6 Q. Is the person at legal that you would contact</p> <p>7 about these issues always the same person?</p> <p>8 A. No.</p> <p>9 Q. Who have you contacted at legal to notify them of</p> <p>10 the inability to provide the DRBs from stores?</p> <p>11 A. Numerous representatives.</p> <p>12 Q. Can you list them?</p> <p>13 A. By name?</p> <p>14 Q. Yes.</p> <p>15 A. Let's see.</p> <p>16 MS. DIAZ: To the extent that you remember.</p> <p>17 A. Jen Seidenberg, Emmie MacIlroy, David Johnson,</p> <p>18 Jill Kaiser, and there's a few more, but at this point in</p> <p>19 time I cannot recall their names.</p> <p>20 Q. Okay. You said Jen Seidenberg?</p> <p>21 A. Seidenberg.</p> <p>22 Q. Seidenberg?</p> <p>23 A. Yes.</p> <p>24 Q. How many times have you contacted her to notify</p> <p>25 her that there were DRBs missing from the confidential</p>
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<p>1 TERRIE RUCKER</p> <p>2 Q. Why not?</p> <p>3 A. It's outside of my scope of responsibility.</p> <p>4 Q. Have you ever notified anybody that a store</p> <p>5 manager was not providing all the DRBs?</p> <p>6 A. Yes.</p> <p>7 Q. How many times?</p> <p>8 A. I can't answer that.</p> <p>9 Q. Who have you notified that a store manager was</p> <p>10 not providing all the DRBs?</p> <p>11 A. A legal representative who was asking me for</p> <p>12 information.</p> <p>13 Q. Okay. Anything else?</p> <p>14 A. No, sir.</p> <p>15 Q. Was that in connection with this case?</p> <p>16 A. Yes.</p> <p>17 Q. Other than in connection with this case, have you</p> <p>18 ever notified anybody that a store manager had not provided</p> <p>19 all the DRBs?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. When before in this case have you done</p> <p>22 that?</p> <p>23 A. On multiple occasions.</p> <p>24 Q. And who have you contacted?</p> <p>25 A. A representative from legal.</p>	<p>1 TERRIE RUCKER</p> <p>2 document return?</p> <p>3 A. At this point that's impossible for me to</p> <p>4 determine.</p> <p>5 MS. DIAZ: David, I also don't want to get into</p> <p>6 privileged conversations here.</p> <p>7 MR. GOTTLIEB: Okay.</p> <p>8 MS. DIAZ: So I mean to the extent she's</p> <p>9 communicating with legal regarding these issues, I think</p> <p>10 we're venturing into privilege.</p> <p>11 MR. GOTTLIEB: Well, only if it's in the context</p> <p>12 of legal advice. If she's notifying them of DRBs being</p> <p>13 missing, I'm not sure that that constitutes a privileged</p> <p>14 communication unless it's in connection with some sort of</p> <p>15 ongoing litigation.</p> <p>16 MS. DIAZ: But she may be seeking legal advice,</p> <p>17 especially if it's in the context of a litigation.</p> <p>18 BY MR. GOTTLIEB:</p> <p>19 Q. So to the extent that any questions that I'm</p> <p>20 asking you requires you to disclose communications about an</p> <p>21 ongoing litigation, not ongoing as of now, but litigation</p> <p>22 that was ever taking place, I understand that that would be</p> <p>23 privileged, and those are communications you do not need to</p> <p>24 disclose. Do you understand that?</p> <p>25 A. Yes, I do.</p>

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<p>1 TERRIE RUCKER</p> <p>2 Q. So is it fair to say that you've spoken with Jen</p> <p>3 Seidenberg on a number of occasions regarding missing DRBs?</p> <p>4 MS. DIAZ: Objection. David, I'm just worried</p> <p>5 again about the privilege issue.</p> <p>6 MR. GOTTLIEB: I just asked her about the number</p> <p>7 of times, that's all. That wouldn't be privileged in any</p> <p>8 context.</p> <p>9 A. I'm not able to answer that question.</p> <p>10 BY MR. GOTTLIEB:</p> <p>11 Q. When you say you're not able to answer it, do you</p> <p>12 mean you're not able to answer it without disclosing</p> <p>13 privileged information?</p> <p>14 A. I am unable answer it because I don't know the</p> <p>15 number of times.</p> <p>16 Q. Have you ever -- have your notifications to her</p> <p>17 regarding missing DRBs ever been in the context of</p> <p>18 litigation?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever had conversations with her --</p> <p>21 strike that.</p> <p>22 Have you ever notified her of missing DRBs in a</p> <p>23 context that did not involve litigation?</p> <p>24 A. No.</p> <p>25 Q. You said there was somebody named MacIlroy?</p>	<p>1 TERRIE RUCKER</p> <p>2 else?</p> <p>3 MS. DIAZ: Objection. You can answer.</p> <p>4 A. No.</p> <p>5 BY MR. GOTTLIEB:</p> <p>6 Q. Have there been occasions where you noticed DRBs</p> <p>7 have been missing from a confidential document return</p> <p>8 without knowing that there was ongoing litigation?</p> <p>9 MS. DIAZ: Objection.</p> <p>10 A. Yes.</p> <p>11 BY MR. GOTTLIEB:</p> <p>12 Q. And have you ever, in that context, notified</p> <p>13 somebody that DRBs were missing?</p> <p>14 A. No.</p> <p>15 Q. Why not?</p> <p>16 A. There would be no one to notify.</p> <p>17 Q. What do you mean by that?</p> <p>18 A. I wouldn't know who to notify.</p> <p>19 Q. When you say that DRBs are missing from</p> <p>20 confidential document returns, frequently or infrequently?</p> <p>21 MS. DIAZ: Objection. You can answer.</p> <p>22 A. I can't say.</p> <p>23 BY MR. GOTTLIEB:</p> <p>24 Q. Have you ever been concerned when you noticed</p> <p>25 DRBs missing from a confidential document return?</p>
Page 39	Page 41
<p>1 TERRIE RUCKER</p> <p>2 A. Correct.</p> <p>3 Q. What's the person's first name?</p> <p>4 A. Emmie.</p> <p>5 Q. Now, Ms. MacIlroy, you had discussions with her</p> <p>6 regarding missing DRBs as well; is that correct?</p> <p>7 A. Correct.</p> <p>8 Q. And have you ever had any discussions with her</p> <p>9 regarding missing DRBs that did not involve litigation?</p> <p>10 A. No.</p> <p>11 Q. You said you had conversations with David Johnson</p> <p>12 regarding missing DRBs?</p> <p>13 A. Correct.</p> <p>14 Q. Did you ever have any conversations with him</p> <p>15 about missing DRBs that did not involve litigation?</p> <p>16 A. No.</p> <p>17 Q. Did you ever have any conversations with Jill</p> <p>18 Kaiser about missing DRBs that did not involve litigation?</p> <p>19 A. No.</p> <p>20 Q. Did you ever have any conversations with anyone</p> <p>21 at legal that did not involve litigation that involved</p> <p>22 missing DRBs?</p> <p>23 A. No.</p> <p>24 Q. Have you ever notified anybody that DRBs were</p> <p>25 missing without first being prompted by legal or somebody</p>	<p>1 TERRIE RUCKER</p> <p>2 A. No.</p> <p>3 Q. Why not?</p> <p>4 A. I don't have any reason to be.</p> <p>5 Q. Well, do you understand that if DRBs are missing</p> <p>6 from a confidential document return, that that would be a</p> <p>7 deviation from the instruction that the store manager was</p> <p>8 given?</p> <p>9 A. Yes.</p> <p>10 Q. And by that you've never been concerned when DRBs</p> <p>11 are missing?</p> <p>12 A. When you say concerned, what do you mean?</p> <p>13 Q. Has it ever raised a concern for you that</p> <p>14 somebody might be violating company policy?</p> <p>15 MS. DIAZ: Objection.</p> <p>16 A. I don't have a concern in relation to what you</p> <p>17 refer to as company policy.</p> <p>18 BY MR. GOTTLIEB:</p> <p>19 Q. Why not?</p> <p>20 A. I'm not aware of a company policy.</p> <p>21 Q. It never raised a concern to you that missing</p> <p>22 DRBs could indicate that a store manager was not following</p> <p>23 instructions properly?</p> <p>24 MS. DIAZ: Objection. Outside of her scope.</p> <p>25 A. That's outside of my scope.</p>

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1 TERRIE RUCKER  
 2 BY MR. GOTTLIEB:  
 3 Q. Well, it either has or hasn't raised a concern.  
 4 MS. DIAZ: David, Ms. Rucker is testifying  
 5 regarding the storage and transportation of DRBs.  
 6 MR. GOTTLIEB: Right. I'm entitled to ask her  
 7 questions that would otherwise be relevant.  
 8 MS. DIAZ: She is not answering any opinion  
 9 questions in her role as a 30(b)(6) witness. I'll let you  
 10 continue with some of this questioning, but it's not -- she  
 11 has not been designated on these topics.  
 12 MR. GOTTLIEB: I'm not asking any opinion  
 13 question. I'm asking factually whether her observations  
 14 that a store manager was not providing DRBs ever raised a  
 15 concern for her that the store manager might have been  
 16 violating some instruction that was given to them.  
 17 MS. DIAZ: And I'm just clarifying that Ms.  
 18 Rucker has been designated with respect to the storage and  
 19 transportation of DRBs and that that question falls outside  
 20 of that topic.  
 21 MR. GOTTLIEB: Okay.  
 22 MS. DIAZ: Answer the question if you understand.  
 23 Can you actually repeat the question, please?  
 24 MR. GOTTLIEB: Let me ask the court reporter to.  
 25 MS. DIAZ: The court reporter?

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1 TERRIE RUCKER  
 2 MR. GOTTLIEB: Yes.  
 3 (Record was read as follows:  
 4 Well, it either has or hasn't raised a  
 5 concern.)  
 6 MR. GOTTLIEB: Hello?  
 7 MS. DIAZ: What was the last question?  
 8 THE COURT REPORTER: The last question was:  
 9 Well, it either has or hasn't raised a concern.  
 10 The question before that, would you like me to  
 11 read that one?  
 12 MS. DIAZ: Please.  
 13 THE COURT REPORTER: "But it never raised a  
 14 concern to you that missing DRBs could indicate that a  
 15 store manager was not following instructions properly?"  
 16 MR. GOTTLIEB: That's the question I'd like  
 17 answered.  
 18 A. No.  
 19 BY MR. GOTTLIEB:  
 20 Q. Why not?  
 21 A. It's outside of my scope of responsibility.  
 22 Q. Whose responsibility would that be?  
 23 A. In regards to the document return.  
 24 Q. Whose responsibility would that be to make sure  
 25 that the documents are being returned properly?

1 TERRIE RUCKER  
 2 MS. DIAZ: Objection.  
 3 A. That's outside of my scope of knowledge.  
 4 BY MR. GOTTLIEB:  
 5 Q. Who do you think that would be?  
 6 MS. DIAZ: Objection. Calls for speculation.  
 7 A. I don't know.  
 8 BY MR. GOTTLIEB:  
 9 Q. Now, you said in addition to the tracking sheet  
 10 that there is also a system that's maintained?  
 11 A. I'm sorry. Can you repeat the question?  
 12 Q. Sure. You said in addition to the tracking  
 13 sheet, there's also a system that's maintained that tracks  
 14 the receipt of confidential document return. Is that  
 15 correct?  
 16 A. Yes, that's correct.  
 17 Q. Is that an electronic system?  
 18 A. Yes, it is.  
 19 Q. Is there a name for that system?  
 20 A. It's called Iron Mountain Connect.  
 21 Q. Can you explain to me how that works?  
 22 A. Iron Mountain enters the information into the  
 23 system, similar to the information that was entered into  
 24 the tracking sheets.  
 25 Q. And what happens next?

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1 TERRIE RUCKER  
 2 A. I'm not sure I understand your question.  
 3 Q. Is this a document that's on some sort of shared  
 4 network that Iron Mountain can view and you and people at  
 5 Starbucks can view as well?  
 6 A. I have access to the system, that's correct.  
 7 Q. Does anybody enter information onto the Iron  
 8 Mountain Connect system regarding the confidential document  
 9 return other than Iron Mountain?  
 10 A. Yes.  
 11 Q. Who?  
 12 A. I have.  
 13 Q. What information do you -- let me take a step  
 14 back.  
 15 Is it fair to say that the bulk and majority of  
 16 the information entered into the Iron Mountain Connect  
 17 system is done by Iron Mountain?  
 18 A. That is correct.  
 19 Q. And is it fair to say that on occasion you have  
 20 entered information as well?  
 21 A. Correct.  
 22 Q. What information have you entered?  
 23 A. Information about a DRB that has been received.  
 24 It would be the same information Iron Mountain would enter.  
 25 Q. I see. Now, is the system similar to an Excel

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1 TERRIE RUCKER  
2 spreadsheet or something else?  
3 A. It's a form.  
4 Q. Okay.  
5 A. A report out of the system would look like an  
6 Excel spreadsheet.  
7 MR. GOTTLIEB: I'm going to call for production  
8 of the Iron Mountain Connect system form information for  
9 the stores maintained or supervised by Jen Gurtov for the  
10 period of January 2010 through the present.  
11 MS. DIAZ: I object to the time frame and also to  
12 the relevance. But we will take it under advisement.  
13 BY MR. GOTTLIEB:  
14 Q. Now, what's the purpose of the Iron Mountain  
15 Connect system?  
16 A. It's a tracking system to manage company records.  
17 Q. And does the Iron Mountain Connect system track  
18 the DRBs that are incoming with the confidential document  
19 return?  
20 A. Yes.  
21 Q. Okay. Now, before the DRBs are packaged at the  
22 stores and shipped to Iron Mountain, are you aware of  
23 whether any information from the DRBs is extracted in any  
24 way?  
25 MS. DIAZ: Objection.

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1 TERRIE RUCKER  
2 A. Not to my knowledge.  
3 BY MR. GOTTLIEB:  
4 Q. And when the DRBs are -- strike that.  
5 When the boxes are received in Iron Mountain,  
6 Iron Mountain, I believe you testified, opens the boxes and  
7 logs the contents?  
8 A. Correct.  
9 Q. Other than logging the contents of the boxes, are  
10 you aware of whether any information is extracted from DRBs  
11 at Iron Mountain?  
12 A. Yes.  
13 Q. And is information extracted?  
14 A. Yes.  
15 Q. What information is extracted from DRBs at the  
16 Iron Mountain facility?  
17 A. Time and attendance information.  
18 Q. Anything else?  
19 A. No.  
20 Q. Is that from the DRBs or is that from a labor  
21 schedule or from both?  
22 A. That is from the DRBs.  
23 Q. Are you aware of whether any information  
24 regarding cash management or cash handling is extracted  
25 from the DRBs when they are received at Iron Mountain?

1 TERRIE RUCKER  
2 A. No.  
3 Q. No, you're not aware or, no, they are not?  
4 A. No, they are not.  
5 Q. Are you aware of any occasion, other than in this  
6 case, where DRBs have had to be retrieved out of storage  
7 from Iron Mountain?  
8 A. May I ask you to repeat that question, please?  
9 Q. Are you aware of any instance, other than in  
10 connection with this case, where DRBs have had to be  
11 retrieved from storage at Iron Mountain?  
12 A. Yes.  
13 Q. How many?  
14 A. I don't recall.  
15 Q. Do you recall the context in which DRBs have had  
16 to be retrieved from storage at Iron Mountain?  
17 A. Yes.  
18 Q. Can you go through them, list them for me please?  
19 A. Be for litigation request.  
20 Q. For litigation request?  
21 A. Correct.  
22 Q. Anything else?  
23 A. No.  
24 Q. Can --  
25 A. I'm sorry.

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1 TERRIE RUCKER  
2 Q. Can you route --  
3 MS. DIAZ: Wait.  
4 A. I'm sorry. I need to step back. That is  
5 correct. I've done research. I cannot recall if I  
6 actually retrieved DRBs. I'd have to look at -- I don't  
7 recall. I have done research.  
8 BY MR. GOTTLIEB:  
9 Q. When you say you have done research, what are you  
10 -- I'm not sure which question you're answering. So I'd  
11 just like to kind of take a step back.  
12 So you previously testified that you have  
13 retrieved DRBs from Iron Mountain for purposes of a  
14 litigation request, is that correct?  
15 A. That's correct.  
16 Q. Is there any other context in which you have  
17 retrieved the boxes -- excuse me -- retrieved DRBs from  
18 storage at Iron Mountain?  
19 A. I don't recall.  
20 Q. Do you recall any circumstance when you have --  
21 or strike that.  
22 Do you recall any circumstance in which DRBs have  
23 had to be retrieved from storage for an audit?  
24 A. I don't recall.  
25 Q. Do you recall any circumstance in which DRBs have



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1 TERRIE RUCKER  
2 had to be retrieved from storage for any business purpose  
3 other than litigation?  
4 A. I don't recall.  
5 Q. Would documents -- strike that.  
6 When DRBs are retrieved from storage at Iron  
7 Mountain, is there any record that reflects that?  
8 A. There's tracking about the box.  
9 Q. What do you mean by that?  
10 A. There's a history in Iron Mountain's system about  
11 retrievals and returns of boxes to and from Iron Mountain.  
12 Q. Okay. And would those records indicate the  
13 documents that may have been removed from the boxes or just  
14 that the box itself had been removed?  
15 A. Just that the box itself had been removed.  
16 Q. Are you aware of the manner in which documents --  
17 strike that.  
18 Are you aware of the manner in which the boxes  
19 containing confidential document return documents are  
20 stored and shred at Iron Mountain?  
21 A. I have to ask you a question.  
22 Q. Okay. Ask the question, but I may not answer it.  
23 But you can ask.  
24 A. Okay. We have the payroll related records or the  
25 time and attendance related records that are processed out

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1 TERRIE RUCKER  
2 of the DRBs and the labor schedules. Is that what you're  
3 asking me about?  
4 Q. Well, let me ask you another question that I  
5 think might help us both out. When the boxes are received  
6 at Iron Mountain -- and you said the boxes are opened and  
7 the contents of the boxes are tracked. Is that correct?  
8 A. Correct. Some of the contents is tracked, that's  
9 correct.  
10 Q. Are any documents at that point removed from the  
11 box and not returned? Or is every document that comes in a  
12 box maintained in the box?  
13 A. No.  
14 Q. No what?  
15 A. No, there is some information that is destroyed.  
16 Q. There's some information that is destroyed after  
17 the box is received and the contents are tracked?  
18 A. Correct.  
19 Q. And is there the policy or procedure that that's  
20 pursuant to?  
21 A. I'm sorry?  
22 Q. Is there some written policy or procedure that  
23 that is pursuant to?  
24 A. There's written instruction on what should be  
25 destroyed.

1 TERRIE RUCKER  
2 Q. Okay. And where is that written instruction  
3 maintained? Is it part of a policy manual or something  
4 else?  
5 A. It's a document. It's a Word document maintained  
6 by Iron Mountain and myself.  
7 MR. GOTTLIEB: I'm going to call for production  
8 of that document.  
9 MS. DIAZ: Objection. I don't see the relevance.  
10 BY MR. GOTTLIEB:  
11 Q. Did that document have a title?  
12 A. It's Confidential Document Return, Document  
13 Process Documentation.  
14 Q. Do you know how many pages that has?  
15 A. About -- no, not really.  
16 Q. Can you estimate?  
17 A. Ten.  
18 Q. And you have access to that document?  
19 A. I do.  
20 Q. So, for instance, if you wanted to view that  
21 document and print it today, you could do that?  
22 A. Yes.  
23 Q. Would it be difficult to do?  
24 A. No.  
25 Q. How much time would it take you to do that?

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1 TERRIE RUCKER  
2 MS. DIAZ: Objection. You can answer.  
3 A. About five minutes.  
4 BY MR. GOTTLIEB:  
5 Q. Can you explain the policies that that document  
6 contains?  
7 A. I'm sorry? Does that document --  
8 Q. Can you explain the policies that that document  
9 contains?  
10 A. Thank you. It's a process document.  
11 Q. So that document -- is it fair to say that that  
12 document has instructions for what Iron Mountain is to do  
13 upon retrieval of the confidential document return boxes?  
14 A. That's exactly correct.  
15 Q. And what does that entail?  
16 A. The process for what they do with the information  
17 once they receive it.  
18 Q. And what is that process then?  
19 A. Open the boxes, remove the materials, process the  
20 records out of the DRB, set the records that have a  
21 retention into storage, separate the DRBs into boxes for  
22 temporary storage, and do the indexing. Some information  
23 that can be destroyed, the instructions are for  
24 destruction.  
25 Q. And what documents are instructed to be destroyed



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<p>1 TERRIE RUCKER</p> <p>2 immediately?</p> <p>3 A. Obsolete manuals.</p> <p>4 Q. Anything else?</p> <p>5 A. DRBs from Canada.</p> <p>6 Q. Anything else?</p> <p>7 A. No.</p> <p>8 Q. So with regard specifically to DRBs, the process</p> <p>9 at Iron Mountain is for them to be removed from the boxes</p> <p>10 that they came in and put into a different box?</p> <p>11 A. That's correct.</p> <p>12 Q. And why is that?</p> <p>13 A. The boxes that they come in are not necessarily</p> <p>14 sound or stable enough to be placed on the shelf at Iron</p> <p>15 Mountain.</p> <p>16 Q. Any other reason?</p> <p>17 A. No.</p> <p>18 Q. Now, the boxes -- strike that.</p> <p>19 The second boxes that the DRBs are placed into,</p> <p>20 will those DRB boxes contain DRBs from multiple</p> <p>21 confidential document return boxes?</p> <p>22 A. No.</p> <p>23 Q. Okay. So the DRBs maintained in each</p> <p>24 confidential document return box are placed into their own</p> <p>25 DRB box at Iron Mountain; is that correct?</p>	<p>1 TERRIE RUCKER</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. Is there a date range put on the outside?</p> <p>4 A. Iron Mountain has not been instructed to do so.</p> <p>5 Q. So other than the identifying letters for the</p> <p>6 state, is there any other information placed on the outside</p> <p>7 of the box that would help somebody find a particular DRB?</p> <p>8 A. Not to my knowledge.</p> <p>9 Q. Other than marks placed on the DRB boxes, is</p> <p>10 there any other system in place by Iron Mountain or</p> <p>11 Starbucks or otherwise that would assist somebody in</p> <p>12 locating a specific DRB?</p> <p>13 A. The period of the document return that the box</p> <p>14 came in under would be entered into the system.</p> <p>15 MR. GOTTLIEB: Can I have that answer repeated</p> <p>16 back to me, please, by the court reporter?</p> <p>17 (Record was read as follows:</p> <p>18 The period of the document return that the</p> <p>19 box came in under would be entered into the</p> <p>20 system.)</p> <p>21 BY MR. GOTTLIEB:</p> <p>22 Q. And how would that assist somebody if they were</p> <p>23 trying to find a particular DRB out of a DRB box?</p> <p>24 A. It may be date relevant.</p> <p>25 Q. I guess what I'm asking is, if you wanted to find</p>
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<p>1 TERRIE RUCKER</p> <p>2 MS. DIAZ: Objection.</p> <p>3 A. If they come in in the same cycle, that's</p> <p>4 correct.</p> <p>5 BY MR. GOTTLIEB:</p> <p>6 Q. Is there a name for those boxes that the DRBs are</p> <p>7 placed in?</p> <p>8 A. I'm sorry. I don't understand what you mean.</p> <p>9 Q. I'm going to be referring to the boxes for the</p> <p>10 next series of questions and it would be easier if there</p> <p>11 was a term for those boxes other than the new DRB boxes.</p> <p>12 Is there a term that you're aware of?</p> <p>13 A. DRBs boxes.</p> <p>14 Q. Just DRB boxes?</p> <p>15 A. Correct.</p> <p>16 Q. Are you aware whether the DRB boxes are</p> <p>17 identified on the outside of the box in any way?</p> <p>18 A. I don't understand your question.</p> <p>19 Q. Is there some code or identification number</p> <p>20 placed on the outside of the DRB boxes which would assist</p> <p>21 if somebody later needed to find a particular DRB?</p> <p>22 A. A state abbreviation.</p> <p>23 Q. So, for instance, for New York, would it be NY?</p> <p>24 A. Correct.</p> <p>25 Q. Anything else?</p>	<p>1 TERRIE RUCKER</p> <p>2 a particular DRB, a specific DRB, how would you go about</p> <p>3 locating that DRB in the most efficient manner?</p> <p>4 A. I would first look to see if the store actually</p> <p>5 sent DRBs in. So I would go to the tracking information</p> <p>6 for the store, the payroll record section, look and see if</p> <p>7 they sent a particular DRB in. If they did, I would look</p> <p>8 at the period of time that store's payroll records for the</p> <p>9 relevant DRB were placed into storage.</p> <p>10 I would then go and look for all DRBs for the</p> <p>11 specific state that were placed into the storage within the</p> <p>12 same period of time going forward a week to two weeks and</p> <p>13 backwards a week to two weeks for the same -- for when it</p> <p>14 was received into storage.</p> <p>15 Q. So my question is: How would you locate the box</p> <p>16 using that -- using those -- that particular criteria if</p> <p>17 the boxes themselves did not have dates on the outside?</p> <p>18 MS. DIAZ: Objection. Asked and answered. You</p> <p>19 can answer.</p> <p>20 A. I would look -- I would -- I'm not sure I</p> <p>21 understand your question.</p> <p>22 BY MR. GOTTLIEB:</p> <p>23 Q. Well, if you're looking for a particular month of</p> <p>24 a DRB and the boxes do not indicate -- the DRB boxes do not</p> <p>25 indicate the month that they contain, how would knowing the</p>

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1 TERRIE RUCKER  
 2 -- how would you go about doing that?  
 3 MS. DIAZ: Objection. I'm not sure what the  
 4 question is.  
 5 MR. GOTTLIEB: What I'm trying to understand is  
 6 really how she would locate a particular DRB month if the  
 7 boxes that they are stored in do not indicate the DRBs that  
 8 they contain.  
 9 MS. DIAZ: Objection. I think she has answered  
 10 the question. But, Terrie, if you can, you can answer his  
 11 question.  
 12 A. I would look at the store information for payroll  
 13 information because the payroll information is pulled out  
 14 of specific months of DRBs. That would indicate to me if  
 15 the store actually did send the DRB in that I was looking  
 16 for. There would be payroll records for that month. If  
 17 that was the case, I would say I would look and see when  
 18 the payroll box came into Iron Mountain. I would know that  
 19 there must be a DRB in the DRB boxes.  
 20 I would pull a report for DRB boxes that contain  
 21 records from the relevant state that came into Iron  
 22 Mountain around the same period of time the payroll records  
 23 for that specific store were placed into storage. It may  
 24 mean that there would be several hundred boxes pulled if  
 25 that was the case, that the, you know, the state received

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1 TERRIE RUCKER  
 2 many, many boxes during that same period of time.  
 3 Q. I see. Why isn't it a practice to indicate which  
 4 store the DRBs in the DRB box came from for a situation  
 5 like that where you need to look in a particular book?  
 6 A. They are not considered company records. We do  
 7 not put the same resources into managing them as we do  
 8 company records.  
 9 Q. When you say they are not company records after  
 10 they are no longer at the store, what do you mean by that?  
 11 A. Their operational value or record value has  
 12 diminished. They are no longer considered a valuable  
 13 company record because under normal business circumstances,  
 14 once they were received at Iron Mountain, they would then  
 15 be destroyed.  
 16 Q. So they would be destroyed at some point; is that  
 17 correct?  
 18 A. As soon as the processing was completed, they  
 19 would be placed into destruction.  
 20 Q. Explain to me the document destruction process  
 21 with regard to DRBs.  
 22 A. I'm not sure I understand what you're asking me.  
 23 Q. Well, when DRBs are received by Iron Mountain,  
 24 they are first packaged into DRB boxes, correct?  
 25 A. Correct.

1 TERRIE RUCKER  
 2 Q. They are not destroyed immediately; is that  
 3 correct?  
 4 A. They are placed into DRB boxes at the current  
 5 time because they are under a legal hold. If they were not  
 6 under a legal hold, for example, the Canada DRBs are not  
 7 under a legal hold. They are not placed in any kind of  
 8 secondary box. They are placed in what's referred to as a  
 9 gaylord, a big dumping bin. And then they are placed into  
 10 the shred bin.  
 11 Q. Immediately?  
 12 A. To my understanding.  
 13 Q. And how long are DRBs maintained in the DRB boxes  
 14 at Iron Mountain before they are subject to destruction?  
 15 A. They are under a legal hold indefinitely, for the  
 16 U.S.  
 17 Q. What do you mean when you say indefinitely?  
 18 A. They will be held until we're notified that the  
 19 hold has been lifted.  
 20 Q. And have you ever been told that a hold has been  
 21 lifted and DRBs can be destroyed?  
 22 A. No.  
 23 Q. So for as long as you worked at Starbucks, you've  
 24 never been told that you can destroy a DRB?  
 25 A. This process did not start until 2004. So since

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1 TERRIE RUCKER  
 2 the hold was put in place, I have not been instructed I  
 3 could destroy DRBs, with the exception of Canada, because  
 4 Canada was never part of the hold.  
 5 MR. GOTTLIEB: I've provided the court reporter  
 6 in advance with documents. Can that be marked as Rucker 1  
 7 and provided to the witness?  
 8 THE COURT REPORTER: Yes.  
 9 MR. GOTTLIEB: And then do you have a copy as  
 10 well for Ms. Diaz?  
 11 THE COURT REPORTER: Let me check.  
 12 MR. GOTTLIEB: Okay.  
 13 (Discussion off the record.)  
 14 THE COURT REPORTER: What is the title of the  
 15 document again?  
 16 MR. GOTTLIEB: The title of the document is Daily  
 17 Records Book. It's one, two, three, four, five, six -- a  
 18 seven-page document.  
 19 THE COURT REPORTER: I have exactly seven pages.  
 20 The first page is Daily Records Book, the second is Cash  
 21 Management Log Policies, and then it continues on the third  
 22 page. The fourth page is Cash Management Log, as well as  
 23 the fifth page. The sixth page is Cash Management and is  
 24 troubleshooting --  
 25 MR. GOTTLIEB: What we should do is use the Bates

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1 TERRIE RUCKER  
2 numbers in the lower right corner. There should be 814  
3 through 820.  
4 THE COURT REPORTER: I have no Bates stamps.  
5 MR. GOTTLIEB: There's no Bates stamps?  
6 THE COURT REPORTER: There's no Bates stamps.  
7 I'm passing the documents to Ms. Diaz.  
8 MS. DIAZ: The stamps are cut off, David.  
9 Looks like it's -- you can't see anything.  
10 MR. GOTTLIEB: Can you see the entire document  
11 itself?  
12 MS. DIAZ: You can see entire document. You just  
13 can't see the Bates stamps at the bottom.  
14 MR. GOTTLIEB: Okay. So I'm going to represent  
15 that it's Defendant Starbucks 814 through 820. I will have  
16 it marked as Rucker 1.  
17 (Exhibit 1 marked for identification.)  
18 MR. GOTTLIEB: Can you please hand it to the  
19 witness?  
20 THE COURT REPORTER: Yes.  
21 MR. GOTTLIEB: There is no copy for you, but you  
22 can feel free to look on with the witness.  
23 MS. DIAZ: Sure.  
24 MR. GOTTLIEB: Okay.  
25 MS. DIAZ: Sure.

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1 TERRIE RUCKER  
2 BY MR. GOTTLIEB:  
3 Q. So, Ms. Rucker, you have been handed what's been  
4 marked as Rucker 1. Can you please review that document  
5 and tell me if you recognize it.  
6 A. Yes, I do.  
7 Q. What do you recognize this as?  
8 A. It's pages from the DRB.  
9 Q. Okay. And I'd like to direct your attention to  
10 the first page toward the top. Do you see where it says  
11 retention and destruction?  
12 A. Yes, I do.  
13 Q. And towards the bottom of that section or the  
14 last sentence of that section -- or strike that.  
15 Why don't we read from the second sentence which  
16 starts every six months. Do you see that?  
17 A. I do.  
18 Q. Let's read it into the record:  
19 Every six months you will receive communication  
20 requiring all DRBs older than six months to be boxed up and  
21 returned using an online return or a pre-addressed mailing  
22 label. This ensures retention of legally required payroll  
23 documents that are included in the DRB.  
24 Do you see that?  
25 A. I do.

1 TERRIE RUCKER  
2 Q. And you understand that to be accurate in terms  
3 of Starbucks' practices?  
4 A. I do.  
5 Q. Now, what are the legally required payroll  
6 documents that that refers to?  
7 A. It's the documents that are referred to as time  
8 and attendance in the DRB.  
9 Q. Okay. But that does not include the cash  
10 management log; is that correct?  
11 A. That is correct.  
12 Q. And when they refer to the cash management log  
13 you understand that I'm referring to the pages of the DRB  
14 that contain information regarding cash management, bank  
15 deposits, and so forth, correct?  
16 A. Yes, correct.  
17 Q. Now, you previously testified -- and I think I  
18 may be done with that document. Put it side for now and  
19 I'll let you know if we come back to it.  
20 MS. DIAZ: David, can we actually take a short  
21 break?  
22 MR. GOTTLIEB: Sure. Why don't we make it five  
23 minutes or so. Why don't you call back when you're ready.  
24 MS. DIAZ: Sounds good.  
25 (Brief recess.)

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1 TERRIE RUCKER  
2 MR. GOTTLIEB: I just want to make sure that  
3 you've been able to take everything down enough and you've  
4 been able to hear me and follow enough for the record?  
5 THE COURT REPORTER: Yes.  
6 MR. GOTTLIEB: You've been able to hear me  
7 appropriately and everything?  
8 THE COURT REPORTER: Yes.  
9 MR. GOTTLIEB: Okay, very good.  
10 BY MR. GOTTLIEB:  
11 Q. Now, previously you testified that the DRBs are  
12 no longer company records once they leave the store,  
13 correct?  
14 A. Correct.  
15 Q. You said the reason that they're no longer  
16 company records is because they no longer have any value;  
17 is that correct?  
18 A. Correct.  
19 Q. Now, just because they have no value, it doesn't  
20 mean that they're not company records, does it?  
21 A. There's -- they are not a record in our Starbucks  
22 company records schedule.  
23 Q. So they're the record retention schedule for  
24 certain documents indicated by Starbucks; is that correct?  
25 A. That's correct.

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TERRIE RUCKER

Q. And is there a document that reflects that schedule?

A. Yes, there is.

MR. GOTTLIEB: I'm going to call for production of the document.

MS. DIAZ: Objection. I don't see the relevance. The witness has testified that the DRBs are not part of that schedule.

BY MR. GOTTLIEB:

Q. If the DRBs are no longer company documents, company records after they leave the store, what are they?

A. Non-record materials.

Q. Now, were you involved in the search for DRBs relevant to this case?

MS. DIAZ: David, I want to interject here. Terrie Rucker has been designated as the 30(b)(6) witness for storage and transportation of DRBs. To the extent you're getting into factual questions, I just want to be clear that she would be testifying as a fact witness and not as a corporate representative.

MR. GOTTLIEB: I believe I'm still permitted under the federal rules to ask the witness relevant questions within her knowledge. So --

MS. DIAZ: I'm not saying that I'm not permitting

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TERRIE RUCKER

they sent in DRBs for the dates in that request. Again, I would have looked for the payroll information that would have been contained in those months DRBs. And if I found that they had sent in information, I would have then pulled a report for all DRBs, obviously for New York, that came in to Iron Mountain around the same period of time that those payroll records for the specific store numbers were placed on the shelf at Iron Mountain.

Q. Okay. And when was the first time you were told that these documents needed to be located for production?

MS. DIAZ: Objection. I don't want to get into privileged conversations here.

BY MR. GOTTLIEB:

Q. Without going into the substance of any conversation you had with counsel, when was the first time that you -- that you took steps to look for and secure the DRBs at issue?

A. I don't recall exactly.

Q. Well, to the best of your recollection.

A. I believe sometime in September, but again I don't recall exactly.

Q. Do you remember when it first came to your attention that some of the DRBs in the time frame requested were not available?

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you to ask the questions. I'm saying that she would be responding in her role as a fact witness and not as a corporate representative to factual questions that you may pose in the Serenity Marshall case.

MR. GOTTLIEB: Right, right. That would be my understanding as well, that she would no longer be the corporate representative for those questions, yes.

MS. DIAZ: Okay.

BY MR. GOTTLIEB:

Q. Ms. Rucker, are you aware that there was -- strike that.

Are you aware that Starbucks was ordered by the court to produce the DRBs maintained at the stores of Ms. Gurtov's district from January 1, 2010, through March 2011?

A. I was aware of a request to produce records. I was not aware of any person's -- the person's name that you mentioned. I'm sorry. So I was aware of the request but not the person's name.

Q. So you were aware of the request. You weren't aware of Jen Gurtov or her role as a distinct manager?

A. Correct.

Q. And what steps did you take to locate and secure the DRBs that were pursuant to that request?

A. I looked for the specific store numbers to see if

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A. When I would have been looking at the payroll information for that store.

Q. Did it ever occur to you that a large portion of the DRBs at issue were not in storage?

MS. DIAZ: Objection.

A. No.

BY MR. GOTTLIEB:

Q. Do you know what percentage of the DRBs that were requested were not available for production?

A. I do not.

Q. Do you have any idea?

A. I do not.

Q. If I told you that -- strike that.

If I told you that 30 percent of the DRBs requested were not available, would that sound like a high number to you or low number to you?

MS. DIAZ: Objection. You can answer.

A. I don't have an opinion.

BY MR. GOTTLIEB:

Q. Do you think it's a problem if 30 percent of the DRBs from that time frame cannot be located?

MS. DIAZ: Objection.

A. I don't have an opinion.

BY MR. GOTTLIEB:

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<p>1 TERRIE RUCKER</p> <p>2 Q. As the senior records specialist at Starbucks, do</p> <p>3 you think it's a problem if 30 percent of the DRBs</p> <p>4 requested cannot be located?</p> <p>5 MS. DIAZ: Objection. Asked and answered.</p> <p>6 A. I don't have an opinion.</p> <p>7 BY MR. GOTTLIEB:</p> <p>8 Q. I'm going to represent to you that there's a</p> <p>9 store in New York that's referred to as the -- with the</p> <p>10 identification number 7711. Are you familiar with that</p> <p>11 store?</p> <p>12 A. No.</p> <p>13 Q. If the store with the identification number 7711</p> <p>14 and DRBs from that store were not produced by Starbucks for</p> <p>15 the period of January 2010 through December of 2010, the</p> <p>16 entire calendar year of 2010, do you know how that could</p> <p>17 happen?</p> <p>18 A. I do not.</p> <p>19 Q. Do you have any idea?</p> <p>20 A. I do not.</p> <p>21 Q. What do you think is the likely reason those</p> <p>22 documents were unavailable?</p> <p>23 MS. DIAZ: Objection.</p> <p>24 A. I can't speculate.</p> <p>25 BY MR. GOTTLIEB:</p>	<p>1 TERRIE RUCKER</p> <p>2 A. Yes.</p> <p>3 Q. Are there any documents that you're aware of that</p> <p>4 would reflect that DRBs that have not been produced ever at</p> <p>5 any points existed?</p> <p>6 A. Not that I'm aware of.</p> <p>7 Q. Is it fair to say that the DRBs that were not</p> <p>8 produced were not destroyed after they were received by</p> <p>9 Iron Mountain? Correct?</p> <p>10 A. Correct.</p> <p>11 Q. Other than being at Iron Mountain in Washington</p> <p>12 State or at the particular stores, is there anywhere else</p> <p>13 that DRBs could be maintained?</p> <p>14 A. Not to my knowledge.</p> <p>15 Q. You said the only other context in which you've</p> <p>16 been -- in which you've had to retrieve -- strike that.</p> <p>17 You previously testified that the only other</p> <p>18 circumstance in which you were aware DRBs needed retrieval</p> <p>19 from Iron Mountain was often in connection with litigation.</p> <p>20 Is that correct?</p> <p>21 A. Correct, with some clarification.</p> <p>22 Q. Okay. What would you like to clarify?</p> <p>23 A. I have had requests from our tax audit department</p> <p>24 to do research. I don't recall if I did actually retrieve</p> <p>25 the DRBs for them. I have conducted research.</p>
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<p>1 TERRIE RUCKER</p> <p>2 Q. Are you aware whether anyone has ever been</p> <p>3 disciplined for failing to provide necessary documents for</p> <p>4 the confidential document return?</p> <p>5 A. I have no knowledge of anything like that.</p> <p>6 Q. Have you ever been disciplined for the lack of</p> <p>7 proper document retention at Starbucks?</p> <p>8 A. No, I have not.</p> <p>9 MR. GOTTLIEB: Estela, I only have a very small</p> <p>10 amount left. Being that we just took a break, I just</p> <p>11 wanted to maybe take a few minutes and make sure of the few</p> <p>12 things left, but we should be done very shortly.</p> <p>13 MS. DIAZ: Sure. We will just mute the line</p> <p>14 here.</p> <p>15 MR. GOTTLIEB: I'm sorry?</p> <p>16 MS. DIAZ: We will just mute the line.</p> <p>17 MR. GOTTLIEB: So leave the line open?</p> <p>18 MS. DIAZ: Yeah.</p> <p>19 MR. GOTTLIEB: Okay.</p> <p>20 (Brief recess.)</p> <p>21 BY MR. GOTTLIEB:</p> <p>22 Q. Ms. Rucker, as I indicated, there were a number</p> <p>23 of -- and as you're aware of, there were a number of DRBs</p> <p>24 that were required for production in this case that were</p> <p>25 not produced. And you're aware of that, correct?</p>	<p>1 TERRIE RUCKER</p> <p>2 Q. What type of research have you conducted with</p> <p>3 regard to DRBs?</p> <p>4 A. For the tax department?</p> <p>5 Q. For the tax department or otherwise.</p> <p>6 A. The only other research I would have done would</p> <p>7 have been for the tax department. It would have been to</p> <p>8 produce DRBs as of specific time periods.</p> <p>9 Q. Okay. And what would -- was there any specific</p> <p>10 time when you have had to do that?</p> <p>11 A. I've had to do it. I don't recall the specific</p> <p>12 time.</p> <p>13 Q. Do you remember the most recent time you had to</p> <p>14 do that?</p> <p>15 A. It's speculation. Three years ago.</p> <p>16 Q. Okay. Do you know what the reason was that you</p> <p>17 had to provide DRBs to the tax department?</p> <p>18 A. Again I don't --</p> <p>19 MS. DIAZ: Objection.</p> <p>20 A. I don't recall if I provided them -- it's tax</p> <p>21 business. I don't recall why they were asking for them.</p> <p>22 BY MR. GOTTLIEB:</p> <p>23 Q. Do you remember if they at any point -- they</p> <p>24 being the tax department -- ever requested pages of the DRB</p> <p>25 related to cash management log?</p>



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A. I don't recall.

Q. On other situations when DRBs have had to be retrieved from storage for litigation, has a similar problem occurred, as occurred in this case, where a number of DRBs were unavailable?

MS. DIAZ: Objection.

A. I don't recall.

BY MR. GOTTLIEB:

Q. When you were conducting your search for DRBs related to this case, did you think that the amount of missing DRBs was surprising?

MS. DIAZ: Objection.

A. No.

BY MR. GOTTLIEB:

Q. Why not?

A. That wasn't my role.

Q. I know it wasn't your role. But I'm asking if it was surprising when you noticed the number of DRBs that were missing.

A. No.

Q. Why not? Why was that not surprising?

A. I don't have a reason for it to be surprising to me.

Q. Did you think it was strange that so many DRBs

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were missing?

A. No.

MS. DIAZ: Objection.

BY MR. GOTTLIEB:

Q. Why not?

A. I didn't have any reason to think it was strange.

MR. GOTTLIEB: One other item I would like to call for production of is any communications to store managers in Ms. Gurtov's district that included any instructions regarding the shipment of confidential -- the shipping of the confidential document return.

MS. DIAZ: I'll take it under advisement.

MR. GOTTLIEB: At this point I have no further questions.

MS. DIAZ: Thank you.

MR. GOTTLIEB: Thank you, Ms. Rucker.

THE WITNESS: Thank you.

(Deposition concluded at 10:52 a.m.)

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CERTIFICATE

I, Jan K. Floate, do hereby certify that pursuant to the Rules of Civil Procedure, the witness named herein appeared before me at the time and place set forth in the caption herein; that at the said time and place, I reported in stenotype all testimony adduced and other oral proceedings had in the foregoing matter; and that the foregoing transcript pages constitute a full, true and correct record of such testimony adduced and oral proceeding had and of the whole thereof.

IN WITNESS HEREOF, I have hereunto set my hand this 20th day of January, 2012.

Jan K. Floate April 29, 2012  
Commission Expiration

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CORRECTION SHEET

Deposition of: Terrie Rucker Date: 01/09/12  
Regarding: Serenity Marshall v. Starbucks Corporation  
Reporter: Jan Floate

Please make all corrections, changes or clarifications to your testimony on this sheet, showing page and line number. If there are no changes, write "none" across the page. Sign this sheet on the line provided.

Page	Line	Reason for Change
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Signature \_\_\_\_\_

Terrie Rucker



DECLARATION

Deposition of: Terrie Rucker Date: 01/09/12  
Regarding: Serenity Marshall v. Starbucks Corporation

I declare under penalty of perjury the following to  
be true:

I have read my deposition and the same is true and  
accurate save and except for any corrections as made  
by me on the Correction Page herein.

Signed at \_\_\_\_\_, \_\_\_\_\_  
on the \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Terrie Rucker

A				
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# DAILY RECORDS BOOK

## Use of the Daily Records Book (DRB)

This monthly book is used to record daily store information and is divided into weekly tabs for quick reference.

## Retention and Destruction

For security and legal compliance, the Daily Records Book must remain in store for six months and then be returned for long-term storage and destruction. Every six months you will receive communication requiring all DRBs older than six months to be boxed up and returned using an online return or pre-addressed mailing label. This ensures retention of legally required payroll documents that are included in the DRB.

## Calendar

The Daily Records Book contains the Fiscal Year Calendar to use for planning and recording store events.

## Checklists and Logs

- **Paid Out Log** is a monthly log located behind the Paid Out tab and is designed to ensure all paid outs are recorded and approved. This log should be reconciled weekly by the store manager.
- **Emergency Wage Advance Log** is a monthly log designed to record all emergency wage paid outs.
- **Store Repair and Maintenance Tracking Log** is a monthly log located in the front of the DRB and is designed to track calls made to the Enterprise Help Desk, Facility and Service Desk and the Facility Contact Center.
- **Punch Communication Log, Borrowed Partner Log, and Paid Time Off Log** are located at the end of the book under the Time and Attendance tab. Use these logs to record key time and attendance information using the policies and procedures on the Time and Attendance tab.

## Weekly Tabs

The following information is included in each Weekly Tab section:

- **Store Partner Pages:** a flexible tool to capture store information in one easy-to-reference place.
  - **Store Communication** ~ communicate voicemail, email and barista need-to-know information for all store partners.
  - **Partner Till Drop Log** ~ all partners with assigned tills must complete this section using the policies and procedures behind each Weekly tab.
  - **Safe Count, Change Bank Reconciliation, Deposit, and Partner Till Audit** ~ for details refer to the policies and procedures behind each Weekly tab.
  - **Partner Tip Drop Log** ~ use this log to track all tip bags dropped into the safe on a daily basis.
  - **Partner Tip Drop Removal** ~ use this space to track tip bags being removed from the store safe on a weekly basis.

## Miscellaneous

- **Sales Audit Envelope** ~ for credit card slips, refunds, voids and gift certificates.
- **P-Card/Paid Out Envelope** ~ for all P-Card, Paid In and Paid Out receipts.

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**Keep book secured when not in use.**

EXH 1 DATE 1/9/12  
 WITNESS Rucker  
 JANIS K. FLOATE

## Cash Management Log Policies, Standards & Procedures

The Cash Management Log must be completed each day. Print legibly and complete in pen.  
Store operating funds and tip funds must be secured at all times.

### Till Drop Procedure (Cash Controller):

1. Record register partner's name, Register ID (#, Top/Bottom), date and CC initials on till drop bag.
2. Place funds from drop box, sales media from POS drawer and Closing Register Receipt in till drop bag. Seal till drop bag.
3. Record register partner name, entire till drop bag #, CC initials and time on the matching Register ID section of the Till Drop Log.
4. Secure till drop bag in inner compartment of safe, behind door 2.

### Final Use Till Count Procedure (Cash Controller):

1. Remove till, sales media from POS drawer, funds from drop box and Closing Register Receipt.
2. Count down combined funds from till and drop box using cash scale in cash calculator mode.
3. Remove funds in excess of opening fund amount, leaving opening fund amount in till.
4. Follow Till Drop Procedure to secure excess funds, sales media and closing register receipt.
5. Secure till with verified opening fund in POS drawer or safe.

### Safe Count Procedure (Cash Controller):

- The safe must not be left open and unattended.
- The safe must not be opened or the time delay set during the first 30 minutes and the last 30 minutes of customer operations.
- Only the Cash Controller may set and access the safe.
- Complete and record an accurate physical "start" count when accepting the cash controller keys and an "end" count when passing the cash controller keys to the next cash controller or counting out at the end of day.
  1. Record CC initials and start or end count time on the Safe Count Log.
  2. Count and record change fund amount, opening till fund amounts, # of till drops, # of Customer Recovery certificates, PCard, and # of tip drops.

**NOTE:** Lock Out Period Safes: When completing a safe count during the Lockout Period (3pm-8am) record "N/A" or "Locked Out" in the number of till and tip drop section of the safe count. All safe counts occurring outside of the lockout period (8am-3pm) must include an actual physical count of all till and tip drop bags.

### Deposit Log (Cash Controller):

**NOTE:** Procedures for preparing the deposit and transporting the deposit to the bank are located in the Store Operations manual section 4 Cash Control.

1. The deposit must be prepared and transported to the bank every day.
2. The deposit must be prepared after 8am and must be transported to the bank by 3pm.
3. The deposit must be taken inside the bank for processing if the bank is open. The weekend depository box must only be used if the bank is closed.

### Deposit Prep Section Procedure:

1. Record the start time and CC initials in the Deposit Prep section on the date the deposit is processed.
2. Record deposit \$, deposit bag # and completion time.
3. **Deposit Witness** records their initials after confirming that the CC initials, completion time, deposit slip amount and sealed deposit bag # are accurately recorded in the Deposit Prep section.
4. Secure sealed deposit bag in inner compartment of safe, behind door 2, if not immediately transported to bank.

### Deposit to Bank Section Procedure:

1. Record CC name taking deposit to bank, date to bank, time to bank and deposit bag # in the Deposit to Bank section on the date the deposit is processed.
2. **Banking Witness** records their initials after confirming that the CC initials, date and time of the CC departure to bank and sealed bag # are accurate and recorded in the Deposit to Bank section.
3. Record validated deposit amount and validated time on Deposit to Bank section and attach validated deposit slip after returning from the bank or when the deposit slip has been retrieved for deposits made through the weekend depository.

**Till Audit Procedure (Store Manager):**

A minimum of two random till audits must be performed each week.

1. Follow steps 1-4 of Final Use Till Count.
2. Record SM name, date, register partner's name and Register ID on Partner Till Audit Log. Over/short will be recorded when deposit is prepared.
3. Secure till with verified opening fund in POS drawer or safe.
4. Ensure over/short is recorded after deposit is prepared on following day.

**Report Store Operating Funds Procedure (Store Manager):**

The Store Operating Funds (change bank and till bank) must be physically verified and updated on the MWS each week.

1. From the MWS select "Manager Menu", "Daily Bookkeeping Menu", "Report Store Operating Funds"
2. F1 – to Count Change/Till Bank Funds. Enter the amount of money actually in the Change and Till Bank in the two fields "Total Change Bank" and "Total Assigned/Unassigned Tills". Record the total on the Cash Management Log under "Report Store Operating Funds" and sign off.
3. Upon completion of entering the funds amounts press "F1" to Save and then "F7" to Quit.

**Tip Drop Procedure (all partners):**

Tip funds must be secured at all times.

1. Remove tip funds from plexi, place funds in a tip drop bag and seal tip drop bag.
2. Record date on tip drop bag.
3. Record partner #, initials, and entire tip drop bag # on the Tip Drop Log.
4. Secure tip drop bag in inner compartment of safe, behind door 2.
5. Witness records their initials and time after verifying the tips have been secured in the safe.

**Tip Drop Removal Procedure**

1. Remove tip drop bags from inner compartment of safe (cash controller).
2. Record entire tip drop bag # for each tip drop bag on Partner Tip Removal Log.
3. Record CC initials as **Witness** and time.
4. Transfer tip drop bags to partner processing tips.
5. Partner receiving tip drop bags records partner # and initials after verifying tip drop bag #'s.

**Accountability and Duty to Report**

Failure to comply with cash management log policy endangers partner safety. Acts in violation or omissions of policy are grounds for disciplinary action up to and including termination. Uncorrected or continuing violations must be reported to management, your local Partner Resources generalist or the Standards of Business Conduct Helpline at 800/611-7792 (866/614-0760 for French-speaking partners).

[illegible][illegible][illegible][illegible][illegible][illegible][illegible]

PARTNER NAME	ORDER BAG #	OC INITIALS	TIME

[illegible]



## Cash Management Log

SAFE COUNT										
NAME	OPEN:		MID 1:		MID 2:		MID 3:		CLOSE:	
SAFE COUNT	START	END	START	END	START	END	START	END	START	END
TIME										
\$0.01										
\$0.05										
\$0.10										
\$0.25										
\$1.00										
\$2.00										
\$5.00										
\$10.00										
\$20.00										
OTHER \$'s										
Total Change Fund										
# Tills/Total \$										
# Till Drops										
Cust. Recov. Cert.										
P-Card	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N
# Tip Bags										
Comments:										

Report Store Operating Funds	
Signature:	\$ Amount Entered:

**Attach validated deposit slip/courier slip and deposit bag receipt to this sheet**

DEPOSIT INFORMATION	
Cash Controller	Taken By Cash Controller:
Preparing Deposit:	Date to Bank:
Start Time:	Time to Bank:
Deposit Bag #:	Deposit Bag #:
Deposit Witness:	Banking Witness:
Deposit \$:	Bank Validated \$:
Completion Time:	Bank Validation Time:
Change Order \$:	Change \$ Received:
Comments:	Comments:

\*Deposit Witness confirms that cc initials, completion time, deposit slip amount and sealed deposit bag # are accurately recorded in Deposit Prep section.

\*\*Banking Witness confirms that the cc initials, date and time of cc departure to bank and sealed bag # are accurate and recorded in the Deposit to Bank section.

PARTNER TILL AUDIT #1	
Store Manager:	
Date:	
Partner Name:	
Register ID	
Over/Short \$:	
Comments:	

PARTNER TILL AUDIT #2	
Store Manager:	
Date:	
Partner Name:	
Register ID	
Over/Short \$:	
Comments:	

PARTNER TILL AUDIT #3	
Store Manager:	
Date:	
Partner Name:	
Register ID	
Over/Short \$:	
Comments:	

PARTNER TIP DROP LOG				
PARTNER #	INITIALS	DROP BAG #	WITNESS (mandatory)	TIME

DM VERIFICATION	
DM Signature:	Date Reviewed:
Comments:	

PARTNER TIP REMOVAL (weekly)			
PARTNER #:		INITIALS	
CC WITNESS (mandatory):		TIME:	
DROP BAG #S:			

\*Witness on tip drop removals must be the scheduled cash controller.



## CASH MANAGEMENT TROUBLESHOOTING

### **ISSUE: Till is short opening fund when CC counts down drawer after final use.**

#### Possible Causes:

- Drop box funds were not pulled.
- Drop box swept and till drop made without realization that till would not be used again that day.
- Paid Out brought drawer below opening funds.
- Register partner dropped funds in wrong drop box.

#### Solution:

1. Verify drop box funds were pulled (do not mix funds from other Register ID's).
2. Calculate funds needed to bring till to opening fund (whole \$ amount only) and remove that amount from change bank.
3. **Record removal of funds (\$ amount and Register ID [#, Top/Bottom]) on Comments section of Safe Count Log.**
4. The shortage in the change bank must be corrected when the deposit is prepared.

#### **NEXT DAY:**

1. Before beginning to prepare the deposit, to balance the change bank, review Comments section of the Safe Count Log from the previous day to determine which Register ID was associated with the change bank shortage.
2. Remove funds from the last logged till drop bag of that Register ID and place funds in the change bank to return it to the correct amount.
3. **Record removal of funds (\$ amount and Register ID [#, Top/Bottom]) on the Comments section of the Deposit Prep Log.**

### **ISSUE: Unassigned till is over opening funds.**

#### Possible Causes:

- Drop box funds were not pulled the last time the till was closed.
- Till drop was made without realization that the till would not be used again that day.
- Funds were dropped from another till in this till's drop box.

#### Solution:

1. Using the cash scale in cash calculator mode return the till to opening fund.
2. Refer to the Till Drop Log to determine which partner was the last to use that Register ID.
3. Place extra funds in till drop bag and record Register ID [#, Top/Bottom), the final register partner's name, and "extra funds drop" on the till drop bag.
4. Record till drop bag in the correct Till Drop section per normal.

#### **NEXT DAY:**

1. When preparing the deposit combine the contents of the two drop bags before entering that partner's till funds at the MWS.

### **ISSUE: Forgot to pull drop box funds and sales media before next register partner begins ringing transactions.**

Possible Cause: Drop box funds and sales media not pulled by CC before next register partner begins to ring transactions.

#### Solution:

1. As soon as possible, pull drop box funds and sales media and prepare a till drop per normal.
2. Make a note on the till drop bag that funds/sales media were pulled late.

### **ISSUE: There are no drop box funds/sales media to pull and drop after register partner closes till.**

Possible Cause: Register partner rang very few transactions and received no 20's or sales media.

#### Solution:

1. Even though there are no funds or sales media to drop, prepare a till drop bag per normal, placing the Closing Register Receipt in the bag.
2. Record the till drop bag on the Till Drop Log under the appropriate Register ID [#, Top/Bottom) and secure the till drop bag in the safe.

## CASH MANAGEMENT TROUBLESHOOTING

**ISSUE: "undocumented till drop bag" Till drop bag in safe; not logged on Till Drop Log; no till assignment listed on MWS.**

Possible Causes:

- Till drop not recorded when a drawer overage was found and dropped.
- Change bank was over during safe count and overage was removed to balance safe.
- Funds were discovered FOH and were dropped without documentation.

Solution:

1. Look for any documentation on CML, on or inside bag (Register ID or Closing Register Receipt) to indicate source of funds.
2. If funds belong to an identified partner combine the contents of the two drop bags before entering that partner's till funds at the MWS.
  - If the partner had two till assignments, combine the contents of the two drop bags that are from the same Register ID before entering that partner's till funds at the MWS.

**NOTE:** If the Register ID is unknown, combine the contents of the undocumented till drop bag to one of the identified partner's till drop bags before entering that partner's till funds at the MWS. This will create an overage in one of the partner's Register ID Drawer O/S and a shortage in the partner's other Register ID Drawer O/S. These two Drawer O/S should balance each other out.

3. If funds belong to a Register ID but no partner is identified, combine the contents of the undocumented till drop bag with the contents of the till drop bag of the final partner assigned to that Register ID before entering that partner's till funds at the MWS.
4. If funds can not be matched to a partner or Register ID, the funds will be added to the deposit total after all other till drop bags have been processed and accepted.
5. ***After adjusting the deposit total to include the undocumented till drop bag funds make a note in the Deposit Prep section Comments box. Notify Sales Audit (Explain Over/Short to Sales Audit).***

**ISSUE: Consolidated till drop bag funds do not match MWS deposit total:**

Possible Cause:

- A data entry error was made when entering funds at the MWS during the recount process.
- A till assignment was not Accepted (Y) on the MWS deposit screen.
- An error was made when counting funds.

Solution:

1. Recount consolidated deposit funds using the cash scale in cash calculator mode.
2. Verify that all till assignments have been Accepted (Y) on the MWS deposit screen.
3. Adjust deposit total to match actual funds on hand and accept deposit.
4. ***Make a note in the Deposit Prep section Comments box of the deposit adjustment amount. Notify Sales Audit (Explain Over/Short to Sales Audit).***